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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HO, THOMAS Y

ART UNIT	PAPER NUMBER
3677	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/016,526	Applicant(s) DIRNBERGER ET AL.	
	Examiner Thomas Y Ho	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 and 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the working state". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the working state". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the working state" and “the idle state”. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the idle state" and “the working state”. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the force generating element". There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the actuator". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the actuator". There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the idle state". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-8, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drouin USPN4109637 in view of Ostdiek USPN6036241.

As to claim 1, Drouin discloses:

- A blocking and release unit 46, which in a blocking state blocks a locked door lock of an electrical appliance and in a release state enables unlocking of the door lock.
- A release unit 48 which brings the blocking and release unit into the release state.

Drouin fails to disclose or suggest:

- An emergency release unit, which in an abnormal operating state of the electrical appliance brings the blocking and release unit into the release state.

Ostdiek discloses a linear actuator 146 which acts as an emergency release unit which in an abnormal operating state brings the blocking and release unit into the release state (col.9, ln.1-20) because it provides a timing mechanism with minimal increase in cost. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the release unit disclosed by Drouin to be an emergency release unit, as taught by Ostdiek, because it provides a safety/timing mechanism at minimal cost.

As to claim 2, Drouin discloses:

- The blocking and release unit 46 assumes the blocking state by means of a working connection to the door lock 36 in response to locking of the latter (col.3, ln.35-48).

As to claim 3, Drouin discloses:

- The blocking and release unit 46 assumes the release state in an operating state of the electrical appliance, for which an unlocking of the door lock is desirable and/or permissible (col.3, ln.35-38).

As to claim 6, Drouin discloses:

- The release unit 48 has an idle state and a working state. The working state is when linear actuator 48 actuates rod 54 to the right in figure 2.
- The release unit in the event of a crossover from the working state into the idle state brings the blocking and release unit 46 into the release state.

Drouin fails to disclose or suggest:

- An emergency release unit.

Ostdiek discloses a linear actuator 146 which acts as an emergency release unit with the rejection detailed in claim 1 above.

As to claim 7, Drouin discloses:

- The release unit 48 assumes the working state by means of a working connection to the blocking and release unit 46 in response to a crossover of the latter into the blocking state. As release unit 46 moves the latch member 36 into the blocking state, the release unit 48 assumes the working state in that it is in extended position.

Drouin fails to disclose or suggest:

- An emergency release unit.

Ostdiek discloses a linear actuator 146 which acts as an emergency release unit with the rejection detailed in claim 1 above.

As to claim 8, Drouin discloses:

- The release unit 48 assumes the working state in a controlled manner when the blocking and release unit 46 is situated in the blocking state or before the blocking and release unit assumes the blocking state.

Drouin fails to disclose or suggest:

- An emergency release unit.

Ostdiek discloses a linear actuator 146 which acts as an emergency release unit with the rejection detailed in claim 1 above.

As to claim 10, Drouin discloses:

- The release unit 48 comprises an actuator 48 for effecting a crossover into the working state (col.4, ln.6-18).

Drouin fails to disclose or suggest:

- An emergency release unit.
- A force-generating element for effecting a crossover into the working state.

Ostdiek discloses a linear actuator 146 which acts as an emergency release unit and having a force-generating element (col.9, ln.5-7) for effecting a crossover into the idle state, with the rejection detailed in claim 1 above.

As to claim 11, Drouin discloses:

- The release unit 48 comprises an actuator 48 for effecting a crossover into the idle state.

Drouin fails to disclose or suggest:

- An emergency release unit.
- A force-generating element for effecting a crossover into the working state.

Ostdiek discloses a linear actuator 146 which acts as an emergency release unit and having a force-generating element (col.9, ln.5-7) for effecting a crossover into the working state, with the rejection detailed in claim 1 above.

As to claim 12, Drouin fails to disclose or suggest:

- The force-generating element is a spring.

Ostdiek discloses a linear actuator 146 which as a force-generating spring (col.9, ln.5-7) and the rejection is detailed in claim 1 above.

As to claim 13, Drouin fails to disclose or suggest:

- The actuator is a heat-sensitive element, a thermoelement or a wax motor.

Ostdiek discloses a linear actuator 146 that is a wax motor, and the rejection is detailed in claim 1 above.

As to claim 14, Drouin discloses:

- The release unit comprises an energy supply device for the actuator 48, which device is designed to supply energy to the actuator for activating the latter.

Drouin fails to disclose or suggest:

- An emergency release unit that is activated in the event of abnormal operation of the electrical appliance.

Ostdiek discloses a linear actuator 146 that acts as an emergency release unit and the rejection is detailed in claim 1 above.

As to claim 15, Drouin fails to disclose or suggest:

- A release device for the emergency release unit.
- Which device in dependence upon parameters characterizing an abnormal operating state of the electrical appliance allows a crossover of the emergency release unit into the idle state.

Ostdiek discloses a release device for an emergency release unit that is a linear actuator 146, with the device allowing crossover of the release unit into the idle state (col.9, ln.1-20) during abnormal operating state of the appliance, and the rejection is detailed in claim 1 above.

As to claim 16, Drouin discloses:

- The blocking and release unit 46 in a locked state of the door lock assumes the blocking state in a controlled manner.

Claims 4-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drouin USPN4109637 in view of Ostdiek USPN6036241, and further in view of Matsumoto USPN4422060.

As to claim 4, Drouin discloses:

- The blocking and release unit comprises an electromagnetic actuator 46.

Drouin fails to disclose or suggest:

- For a crossover from the blocking state into the release state.

Matsuomoto discloses an electromagnetic actuator that can actuate a plunger in both directions (col.4, ln.38-45) to reduce size and weight (col.2, ln.49-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the actuator disclosed by Drouin to actuate in both directions, as taught by Matsuomoto, to reduce size and weight.

As to claim 5, Drouin discloses:

- The electromagnetic actuator 46 is designed to effect a crossover from the release state into the blocking state.

As to claim 9, Drouin fails to disclose or suggest:

- During normal operation of the electrical appliance the emergency release unit assumes its idle state in response to a crossover of the blocking and release unit from the blocking state into the release state.

Ostdiek discloses an emergency release unit comprising a linear actuator 146 and the rejection is detailed in claim 1 above. Matsuomoto discloses an actuator that can actuate in both directions, and the rejection is detailed in claim 4 above. The combination of Drouin in view of Ostdiek and Matsuomoto discloses the modification of Drouin to have a blocking and release unit that actuates from blocking state to release state and vice versa. Furthermore, the combination would provide for a wax motor linear actuator that remains idle in normal operation, but would be brought into working state during power failure.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN4074545 to Case discloses a bimetal lid lock.

USPN4111474 to Heydner discloses an electrically operated door lock.

USPN4286811 to Schantz discloses a bimetal actuated locking device.

USPN4351288 to Gasloli discloses an oven door latch.

USPN4718705 to Case discloses a bimetal actuated lock.

USPN5012794 to Faurel discloses an oven closure device.

USPN5241292 to Bjorknas discloses a three position actuator.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327.

TYH
February 19, 2003

J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600